



**CITY OF HUNTINGTON BEACH  
PUBLIC WORKS COMMISSION  
REQUEST FOR ACTION**

Item No. PW 10-08

**SUBMITTED TO:** Chairman McGovern and Members of the Commission

**SUBMITTED BY:**  Travis K. Hopkins, PE, Director of Public Works

**DATE:** February 17, 2010

**SUBJECT:** City Charter Section 617 Infrastructure Fund and Public Works Commission Duties

**Statement of Issue:** On February 2, 2010, the subcommittee of the Public Works Commission (PWC) presented the approved modifications to City Charter Section 617- Infrastructure Fund to the City of Huntington Beach Charter Review Commission (CRC). The Charter Review Commission requested input from the PWC about their role in monitoring the requirements of the section.

**Funding Source:** No funding required for this action.

**Impact on Future Maintenance Costs:** No direct impact.

**Recommended Action:** Provide a PWC recommendation to the Charter Review Commission regarding possible modification of the Huntington Beach Municipal Code Chapter 2.111 Public Works Commission.

**Alternative Action(s):** Provide alternative direction.

**Analysis:** At the January 20, 2010 meeting, the PWC approved submittal of comments to the CRC concerning City Charter Section 617 - Infrastructure Fund. The subcommittee presented the memo and information at the Charter Review Commission meeting on February 2, 2010. The PWC position included allowing 3% of the infrastructure debt service toward the 15% of general fund revenues infrastructure calculation. After considerable discussion, the CRC tentatively agreed on no modification to the Section 617 language. The topic will be continued at the February 18 meeting. The City Attorney is preparing an opinion on the calculation methodology and compliance.

In addition, the CRC requested input from the PWC concerning their role in monitoring the required 15% expenditures and the Infrastructure Fund. At a

Attached is a copy of the City Charter Section 617 Infrastructure Fund and Huntington Beach Municipal Code Chapter 2.111 PUBLIC WORKS COMMISSION. The subcommittee has suggested that additional duties relating to the infrastructure calculation be included in the Municipal Code.

**Attachments:**

City Charter Section 617 Infrastructure Fund  
HBMC Chapter 2.111 Public Works Commission

# ATTACHMENT #1

available for inspection by the general public, and a copy of the financial statement as of the close of the fiscal year shall be published in the official newspaper.

#### **Section 617. INFRASTRUCTURE FUND.**

- (a) All revenue raised by vote of the electors or imposed by vote of the City Council on or after March 5, 2002, by a measure which states that the revenue to be raised is for the purpose of infrastructure, as said term is defined in this paragraph, shall be placed in a separate fund entitled "Infrastructure Fund." The term "Infrastructure" shall mean long-lived capital assets that normally are stationary in nature and normally can be preserved for significantly greater number of years. They include storm drains, storm water pump stations, alleys, streets, highways, curbs and gutters, sidewalks, bridges, street trees, landscaped medians, parks, beach facilities, playgrounds, traffic signals, streetlights, block walls along arterial highways, and all public buildings and public ways. Interest earned on monies in the Infrastructure Fund shall accrue to that account. Monies in said Fund shall be utilized only for direct costs relating to infrastructure improvements or maintenance, including construction, design, engineering, project management, inspection, contract administration and property acquisition. Monies in said Fund shall not be transferred, loaned or otherwise encumbered for any other purpose.
- (b) Revenues placed in the Infrastructure Fund shall not supplant existing infrastructure funding. The average percentage of general fund revenues utilized for infrastructure improvements and maintenance, for the five- (5) year period of 1996 to 2001, is and was 14.95%. Expenditures for infrastructure improvements and maintenance, subsequent to 2001, shall not be reduced below 15% of general fund revenues based on a five- (5) year rolling average.
- (c) The City Council shall by ordinance establish a Citizens Infrastructure Advisory Board to conduct an annual review and performance audit of the Infrastructure Fund and report its findings to the City Council prior to adoption of the following fiscal-year budget.

### **ARTICLE VII ELECTIONS**

**Section 700. GENERAL MUNICIPAL ELECTIONS.** General municipal elections shall be held in the city on the first Tuesday after the first Monday in November in each even-numbered year. (12/9/82)

**Section 701. SPECIAL MUNICIPAL ELECTIONS.** All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

**Section 702. PROCEDURE FOR HOLDING ELECTIONS.** All elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or hereafter may be amended, for the holding of municipal elections, so far as the same are not in conflict with this Charter.

**Section 703. INITIATIVE, REFERENDUM AND RECALL.** There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exists or hereafter may be amended, governing the initiative and referendum and the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with the provisions of this Charter.

# ATTACHMENT #2

**Chapter 2.111****PUBLIC WORKS COMMISSION**

(3318-2/96; 3490-1/01, 3506-10/01, 3515-12/01, 3591-1/03)

**Sections:**

- 2.111.010 Commission established
- 2.111.020 Non-Interference
- 2.111.030 Duties
- 2.111.040 Records of commission
- 2.111.050 Members
- 2.111.060 Appointment/Composition
- 2.111.080 Vacancies--Retirement
- 2.111.100 Quorum proceedings
- 2.111.110 Bylaws
- 2.111.120 Advisors
- 2.111.130 Operating policies
- 2.111.140 Brown Act

**2.111.010 Commission established.** There is hereby established a Public Works Commission in and for the City of Huntington Beach which shall be known as the Public Works Commission of the City of Huntington Beach. The authority to create a Public Works Commission is derived from the Huntington Beach City Charter Section 405. (3318-2/96)

**2.111.020 Non-interference.** Except as otherwise provided in this Chapter as may be amended by ordinance by the City Council of the City of Huntington Beach, no member of the Public Works Commission shall order, directly or indirectly, the Director of Public Works or his/her staff in the administration or execution of the Director's Powers and Duties as established in Chapter 2.56 of the Huntington Beach Municipal Code. The Director of Public Works shall be responsible to the City Administrator for the administration and execution of Public Works affairs. (3318-2/96)

**2.111.030 Duties.** The duties of the Public Works Commission shall be as provided below:  
(3318-2/96)

- (a) Provide annual review and comment upon Public Works capital improvement projects and program. (3318-2/96, 3591-1/03)
- (b) Review and comment upon the following: (3318-2/96)
  - (1) The long term infrastructure maintenance and repair program; (3318-2/96)
  - (2) Oil pipeline permits issued by Public Works staff; and (3318-2/96)
  - (3) Traffic control device permits issued by Public Works staff. (3318-2/96)
- (c) Recommend to the City Council capital improvement projects which exceed \$50,000.00 and may review capital project repairs exceeding \$50,000.00. (3318-2/96, 3591-1/03)
- (d) Review and recommend to the City Council all capital improvements project construction change orders exceeding the authorized change order limit for the project. (3318-2/96, 3591-1/03)
- (e) Receive regular reports of the active capital improvement projects. (3591-1/03)
- (f) Conduct an annual review and performance audit of the Sewer Service Fund. (3506-10/01, 3591-1/03)

- (g) Recommend to the City Council on an annual basis any fees, rates and/or charges proposed to be modified or added to the sewer service user charge. (3506-10/01, 3591-1/03)
- (h) Have the power and be required to hear for final decision appeals following sewer service user charge adjustment and/or exemption decisions made by the Director of Public Works. (3506-10/01, 3591-1/03)
- (i) Acting in the capacity of the Citizens Infrastructure Advisory Board, conduct an annual review and performance audit of the Infrastructure Fund and report its findings to the City Council prior to the City Council's adoption of the ensuing fiscal year budget. (3515-12/01, 3591-1/03)
- (j) Pursuant to California *Vehicle Code* § 21950.5, or its successor statute, the Public Works Commission shall conduct public meetings as necessary to consider the removal of a marked crosswalk or crosswalks on public streets; and based upon the results of such meetings, direct City staff, by motion, to either retain the marked crosswalk(s) or take any necessary steps for removal of the marked crosswalk(s). Any person who disagrees with the decision of the Public Works Commission may, in writing, no later than 10 days after the date of such decision, appeal the decision to the City Council. Such appeal shall be filed with the City Clerk. If a timely appeal is filed, the City Clerk shall cause the matter to be set for hearing before the City Council within 30 days. The City Clerk shall give the appellant at least 10 days' written notice of the time and place of the City Council hearing. After hearing the appeal, the City Council may affirm, overrule or modify the decision of the Public Works Commission. The decision of the City Council shall be final. If the Public Works Commission's decision is to direct City staff to take the necessary steps to remove a marked crosswalk(s), and, further, if a timely appeal is filed, the decision of the Public Works Commission shall be stayed until the City Council has decided the appeal. If the decision of the City Council directs removal of a marked crosswalk(s), such removal shall not occur until at least 30 days after the City Council's decision. (3515-12/01, 3591-1/03)
- (k) Have the power and be required to hear for final decision, appeals following street work construction permit decisions made by the Director of Public Works. (3591-1/03)
- (l) Have the power and be required to consider application of a fee adjustment of the Fair Share Traffic Impact Fee if the development project does not have a discretionary development permit. The Commission shall consider the application within sixty (60) days after the fee application is deemed complete by the Director of Public Works. (3591-1/03)

**2.111.040 Records of commission.** Accurate and permanent records of the acts of the Commission shall be kept, and such records shall have the same status as records of other departments of the city. (3318-2/96)

**2.111.050 Members.** The Public Works Commission shall consist of seven (7) members who shall be residents of the City of Huntington Beach and shall not be officers or employees of the city and no member of the commission may have any interest in any contract with the city either during such member's terms of office or for a period of one (1) year after the cessation of such service. Members who are employees of firms which contract with the city shall be deemed to be interested in such contracts excepting when such interest is remote, as defined in Article 4, Chapter 2, Division 4, Title 1 of the California Government Code. (3318-2/96)

**2.111.060 Appointment and composition.** All members shall serve without compensation, may hold no other office or employment in City Government, and no other employment which is incompatible with Commission Service. Each City Council member shall appoint one member of the Commission to serve the same term as the City Council member. The term shall coincide

with the term of the City Council member making the appointment. The first two terms expiring shall be appointed by the two first term City Council members. Thereafter, selection shall be made upon expiration of terms, and shall be by lot drawn among the remaining Council members. (3318-2/96; 3490-1/01)

**2.111.080 Vacancies—Retirement.** In the event a member retires or is unable to complete his/her term, an appointment shall be made to fill the remainder of such member's unexpired term. (3318-2/96; 3490-1/01)

**2.111.100 Quorum proceedings.** A majority of the members of the Commission in office shall constitute a quorum. A majority vote of the members present and voting, where a quorum is present at any regular or special meeting, is required to carry a motion, proposal or resolution. (3318-2/96)

Upon demand of any member, the roll call shall be called for yeas and nays upon any questions before the Commission. Roberts' Rules of Order Revised shall govern the procedure of meetings of the commission unless inconsistent with other provisions of this chapter. (3318-2/96)

**2.111.110 Bylaws.** The Public Works Commission shall adopt such bylaws and rules as it deems necessary to provide for its officers and their method of selection of time and place of meetings and for such other matters relative to its work and administration of its duties which are not otherwise provided for by statute or ordinance. (3318-2/96)

**2.111.120 Advisors.** The Public Works Commission may request of the Director of Public Works the attendance at its meetings of any officer or employee of the city to assist the commission in its deliberations in an advisory capacity but who shall not have the authority to vote upon any matter being considered by the commission. (3318-2/96)

**2.111.130 Operating policies.** Except as otherwise provided in this chapter, the board shall conform to the operating policy for boards and commissions as set forth in chapter 2.100 of this code. (3318-2/96)

**2.111.140 Brown Act.** The Board shall be governed by the provisions of the Brown Act (*Government Code § 54950, et seq.*). (3318-2/96)